United States District Court		Southern District of Texas
Rodynie Powell,	§	
Plaintiff,		
versus	999	Civil Action H-09-880 Civil Action H-09-888
International Longshoremen's Association Local 24,	§ §	
Defendant.	§ §	

Opinion on Counsel

John Baptist Adedayo Sekumade moved to withdraw as counsel for Rodynie Powell. It will be denied.

In September of 2008, Rodynie Powell filed an action in this court complaining of discrimination for his seven-day suspension from work. (4:08-cv-2810). He sued the International Longshoremen's Union instead of Local 24. Although the local unions are intensely affiliated with the international union, they are distinct juridical entities that manage their own affairs. The case was dismissed because Powell had not filed a charge with the commission against the international union and he did not sue the local union. On that occasion, Powell was represented by John Baptist Adedayo Sekumade.

In December of 2008, Powell filed a miscellaneous action in this court; this time seeking to proceed in forma pauperis. (4:08-mc-616). The court approved him as a pauper a few months later.

In February of 2009, John Baptist Adedayo Sekumade filed a petition in the 133 rd district court of Harris county for Rodynie Powell. (2009-11665). He sued Local Chapter 24 of the International Longshoremen's Association. The petition asserts claims for race discrimination and retaliation. The union removed it to this court. (4:09-cv-880).

The petition is devoid of facts beyond the names of the parties. It does not indicate whether the claim is against the union as an employer or as the union. From reading the

earlier claims, the dispute is about the union's application of its rules to the hiring-hall process, not its mistreating its employee.

This version does not plead the condition precedent of an administrative claim to the Equal Opportunity Commission. The earlier ones did. Assuming that Powell had been sent a letter from the commission allowing him to sue the union, the time for that opportunity has probably long expired.

In March, Powell's case – where he was granted pauper status – became active, and he sued Local Chapter 24 on the same suspension by the union. (4:09-cv-888; 4:08-mc-616). This one was filed by Powell without the appearance of counsel. The complaint, however, was not written by Powell. Although its type style is different from the other complaints, the language is a lawyer's – essentially a copy of Sekumade's.

Sekumade and Powell will be ordered to appear to explain why the two pending cases should not be dismissed with prejudice and why they should not be sanctioned for incompetent and repetitive litigation for filing the same action three times without rudimentary legal or factual foundation.

Signed on May 28, 2009, at Houston, Texas.

Lynn N. Hughes United States District Judge